

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	13 Cr. 345 (LGS)
	:	
<i>– against –</i>	:	NOTICE OF MOTION
	:	<u>FOR RECONSIDERATION</u>
ANTIONE CHAMBERS,	:	
	:	
Defendant.	:	
-----X	:	

PLEASE TAKE NOTICE, that upon the annexed declaration of Joshua L. Dratel, Esq., the accompanying Memorandum of Law, and all prior papers and proceedings herein, Antione Chambers, defendant in the above-entitled case, will move before the Honorable Lorna G. Schofield, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order:

- (a) reconsidering the denial of Mr. Chambers's pre-trial motion to suppress identification evidence in light of the recently disclosed single photo identification procedure, which could not have been discovered with due diligence by the defense, and which constitutes a substantial change in the circumstances surrounding the pre-trial identifications of Mr. Chambers;
- (b) suppressing identification evidence related to Mr. Chambers, or alternatively, granting a hearing to assess its reliability, because the process by which the June 6, 2013, identification occurred was rendered unduly suggestive by the previously undisclosed additional identification procedure, and therefore denied

Mr. Chambers Due Process as guaranteed by the Fifth Amendment; and,
(d) for any such other and further relief as to the Court seems just and proper.

Dated: 5 May 2014
New York, New York

Respectfully submitted,

/S/ Joshua L. Dratel
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Attorneys for Defendant Antione Chambers

To: THE HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK